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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,092	01/31/2001	Felix Guindulain Vidondo	2383-1-006	6076

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EXAMINER

LE, UYEN CHAU N

ART UNIT PAPER NUMBER

2876

DATE MAILED: 08/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,092

Applicant(s)

VIDONDO, FELIX GUINDULAIN

Examiner

Uyen-Chau N. Le

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Prelim. Amdt/Amendment

1. Receipt is acknowledged of the Amendment filed 15 May 2002.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hetrick et al (US 5,831,862) in view of Peters (US 5,769,269) and Ishizaki et al (US 5,884,140).

Re claims 1-6, Hetrick et al discloses a combined system of automatic selling of products and services for automatic vending machines. The combined system comprises an automatic vending machine 1 with a service module having service operating means. The machine 1 has a corresponding product selection push button 90, a display 95 for displaying instruction and information to customers, a service control circuit 200 being controlled by the main control electronic 100 (figs. 1-5; col. 3, line 3 through col. 4, line 60).

Hetrick et al fails to teach or fairly suggest that the service control circuit is connected to a telephone line.

Peters teaches the above limitation with vending machine 30 connecting to a central station 20 via telephone communications line 48 (see fig.1; col. 4, lines 45-50).

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It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Peters into the teachings of Hetrick et al in order to provide Hetrick et al with a network system, wherein the data information can be exchanged between the central station and each individual terminals. Furthermore, such modification would provide Hetrick et al with the latest technology, wherein each and every remote terminal can be monitored/controlled/updated from a remote central station. Accordingly, such modification would have been an obvious extension as taught by Hetrick et al, well within the ordinary skill in the art, and therefore an obvious expedient.

Hetrick et al as modified by Peters fails to teach or fairly suggest that the service module having a display designating a payment means to which when a service option is selected the payment means is designated by a display of the automatic machine.

Ishizaki et al teaches the above limitation with display 30 for displaying payment types being vended in the machine; 31 denotes card type selecting buttons, which serves as service selection; and display 32 for displaying a servicing message to the customer (fig. 3; col. 5, lines 14-46).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Ishizaki et al into the teachings of Hetrick et al/Peters in orders to provide Hetrick et al/Peters with a universal system, wherein the user has a flexibility making a payment with a desired payment type (i.e., negotiable instrument, credit card, debit card, etc.), and thus providing a more user-friendly system to the operator. Furthermore, such modification would have been an obvious extension as taught by Hetrick et al/Peters, well within the ordinary skill in the art, and therefore an obvious expedient.

Response to Arguments

4. Applicant's arguments filed 15 May 2002 have been fully considered but they are not persuasive.

5. In response to applicant's arguments against the references individually (p. 5, 3rd paragraph through p. 7, 1st paragraph), one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

6. In response to the Applicant's argument with regard to "... Hetrick has pushbuttons for product selection, but does not disclose or suggest pushbuttons for service selection..." (p. 5, 4th paragraph), the examiner partially agrees with the applicant. However, the examiner respectfully requests the applicant to further review Ishizaki et al, by giving its broadest reasonable interpretation, wherein the pushbuttons 31 serves as service selection because pushbuttons 31 are used for selecting a desired type of payment. The examiner believes that it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate these service selection pushbuttons as taught by Ishizaki et al into the system for automatic selling of products as taught by Hetrick et al to further provide the customers the flexibility in selecting a desired payment method (i.e., cash, credit, debit, etc.) (see the above rejection, paragraph 3). Furthermore, such modification would provide a more user-friendly system wherein the customer does not have to concern about having enough cash or concern about having a certain card in order to access/operate the system, thus serving more customers.

7. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the telephone line is not required for proper functioning of the whole system, as each machine is independent from others, with the telephone line being at the customer's disposal for rendering a service in the combined system of automatic selling of products and services (p. 6, last paragraph)) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that there is no suggestion to combine the references (p. 5, 2nd paragraph and p. 7, 2nd paragraph), the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the primary reference to Hetrick et al discloses a combined system of automatic selling of products and services (e.g., either pay cash or credit or debit, etc.) for automatic vending machines comprising, among other things, production selection pushbuttons 90, display 95 for displaying instruction and information to customers, a service control circuit 200 (col. 3, line 20+). However, Hetrick et al is silent with respect to service control circuit being connected to a telephone line. The secondary reference to Peters teaches the above limitation (col. 4, lines 45+). Nevertheless, Hetrick et al as modified by Peters is silent with respect to service selection pushbuttons and a display for display a selected payment. The

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third reference to Ishizaki et al teaches the above limitation (col. 5, lines 22+). Accordingly, the claimed limitation, given its broadest reasonable interpretation, Hetrick et al in view of Peters and Ishizaki et al meets the claimed invention (see the above discussion and the Office Action, paper No. 5). The identified references above were combined to come to a system of automatic selling of products and services for automatic vending machines.

For the reasons stated above, the Examiner believes that a proper prima-facie case of obviousness has been established. Therefore, the Examiner has made this Office Action final.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened-statutory-period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 703-306-5588. The examiner can normally be reached on M-F 6:00-1:30 and Sat 6:00-11:00.

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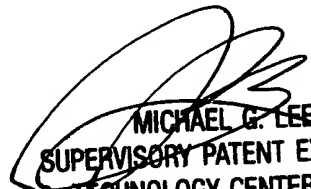
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL G LEE can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


Uyen Chau N. Le

August 18, 2002


MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800